

REMARKS

In the Restriction Requirement, the claims were restricted to two inventions defined as follows.

I Claims 17-20, drawn to creating e-mail address using a user name and a default domain name, classified in class 358 subclass 1.15, 402, 403; Class 379 subclass 100.08; and

II Claims 21-23, drawn to a relay apparatus relaying facsimile data attached to an e-mail to a facsimile apparatus where the e-mail is generated using the phone number, classified in class 358 subclass 407; Class 379 subclass 100.08, 100.09 and class 709 subclass 239.

Applicant respectfully traverses the above Restriction Requirement and submits that it is inappropriate.

With respect to the Examiner's assertion that Group I and Group II are related as combination and subcombination, as set forth in M.P.E. P. § 806.05(c), the Examiner must, *inter alia*, set forth the existence of a "serious burden" if the restriction requirement were not required. However, the Examiner has not even addressed the required issue of "serious burden."

Moreover, no serious burden exists in examining at least the claims of Groups I and II for at least the reason that the search for the inventions of these groups would be coextensive, or at least have significant overlap. For example,

both apparatus Groups I and II are directed toward generating an e-mail by inputting “@” between information input via a panel and a default domain name stored in the memory. Thus, for at least this reason, the search for the claims of Groups I and II would appear to be coextensive, especially since Group I contains only three additional claims.

Further, Applicant submits that Applicant is allowed, even encouraged, by the U.S. Patent and Trademark Office to draft claims of varying scope. Merely because one claim does not require that details of another claim is not a proper basis for restriction. Thus, it is submitted that the Examiner's requirement is improper and should be vacated.

Because the search of each of the inventions would be co-extensive, there would be no serious burden on the Examiner to examine all of the claims in this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the election requirement. For the foregoing reasons, the election of species requirement in this application is believed improper and it is respectfully submitted that it be reconsidered and withdrawn.

Nevertheless, in order to be fully responsive, Applicant has elected with traverse the invention disclosed in Group I comprising claims 17-20, in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Should the Examiner have any questions or comments regarding the present paper or this application, the Examiner is respectfully invited to contact the undersigned at the below-listed number.

Respectfully submitted,
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